

10194. Misbranding of vitamin and mineral products. U. S. v. 30 5/12 Dozen Packages of American Calcium Pantothenate Tablets, 10 7/12 Dozen Packages of (Thiamin) Vitamin B₁ Tablets, 5 1/12 Dozen Packages of American Vitamin A and D Tablets, 55 Packages of Vitamin and Mineral Tablets, 214 Packages of Min-E-Vita Capsules, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 16073. Sample Nos. 20341-H to 20343-H, incl., 20348-H, 20349-H.)

LIBEL FILED: On or about May 9, 1945, Western District of Missouri.

ALLEGED SHIPMENT: By the American Beauty Products Co., from Chicago, Ill. The products were shipped between the approximate dates of September 29, 1943, and March 16, 1945, and the printed matter was shipped on or about February 6 and 10 and March 7, 1945.

PRODUCT: Vitamin and mineral products, as listed above, and a number of accompanying catalogs, display cards, and circulars entitled, "City Catalog No. 81," "American's Anti-Gray Hair Vitamins," and "Vitamins and Minerals," at Kansas City, Mo.

Examination showed that the calcium pantothenate tablets, the (thiamin) vitamin B₁ tablets, and the vitamin A and D tablets contained the stated ingredients; that the vitamin and mineral tablets contained vitamins and, among other minerals, approximately 1 percent and 4 percent of the minimum daily requirements of phosphorus and calcium, respectively; and that the Min-E-Vita capsules contained vitamins, including thiamine and riboflavin, and minerals, including calcium, iron, and phosphorus.

NATURE OF CHARGE: *American Calcium Pantothenate Tablets.* Misbranding, Section 403 (a), the following statements in the catalogs and on the display cards were false and misleading since the product would not be of value in the conditions represented and suggested: (Catalog) "Anti-Gray Hair And Nail Vitamins (Calcium-Pantothenate Dextrorotatory) Now you can sell Calcium Pantothenate Vitamins to your patrons. Good Housekeeping Bureau experiments of 16 months showed that 88 per cent of men and women subjected to the tests showed positive evidence of a return of natural hair color. It revealed also definite improvement in the texture of the skin and the elasticity of the finger nails. * * * For Gray Hair * * * American's Anti-Gray Vitamin * * * Newest Vitamin Discovery. Good Housekeeping tests showed 88% return of hair color"; and (Display Card) "Anti-Gray Hair (Factor) Vitamins * * * 88% Return Of Hair Color!"

Vitamin B₁ Tablets. Misbranding, Section 403 (a), the following statements in the catalogs were false and misleading since the product would not be of value in the conditions represented and suggested: "Vitamin B₁ (For Nerves) Combats Fatigue, Aids Digestion. Source of added energy and 'pep'." Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of thiamine (vitamin B₁) supplied by the article when consumed in a specified quantity during a period of 1 day.

American Vitamin A and D Tablets. Misbranding, Section 403 (a), the following statements in the catalogs were false and misleading since the product would not be of value in the conditions represented and suggested: "Vitamins A & D (for eyes and teeth) Prevent nightblindness. Protects entire respiratory tract, lungs, nose, throat, sinus and eyes."

Vitamin and Mineral Tablets. Misbranding, Section 403 (a), the following label statements were misleading since they failed to reveal the material fact that the product would not supply significant amounts of the stated minerals: "Supplies 4% Calcium * * * 1/2% Phosphorus * * * of the minimum daily requirement of these minerals. The needs of Sodium, Potassium, Aluminum, Copper and Manganese in human nutrition are not established but suggested dosage will supply 1/25 Milligram of each." Further misbranding, Section 403 (a), certain statements on the packages and in the catalogs were misleading since they represented and suggested that the product would be efficacious in the cure, mitigation, treatment, and prevention of lowered resistance to colds, hay fever, asthma, pimples, acne, eczema, general depression, tiredness, listlessness, nervousness, hyperacidity, arthritic conditions, painful menstruation, general lack of vitality, peptic ulcer, neuritis, arthritis, heart disease, tooth and gum infections, low grade infections, cancer, pernicious

anemia, digestive disturbances, retarded growth, general weakening of the body in adults, night blindness, sinusitis, colds, respiratory disorders (lungs, nose, throat, bronchial tubes), xerophthalmia (drying of eyelids and inflammation of lid and eyeball), corneal ulcer, tear duct infection, weak, lifeless hair, defective dentine and tooth enamel, failure of blood regeneration in pernicious anemia, kidney inflammation and kidney stones, improper muscular function, abscessed ear, inflammation and swelling of tongue, lack of growth of thyroid (male), enlarged thyroid (female), edema colitis ulcerative, sexual degeneration, palpitation and enlargement of the heart, labored breathing, loss of weight, intestinal and colonic disturbances, peripheral neuritis, beriberi, nervousness, irritability, poor appetite, constipation, diarrhea, convulsions, paralysis, muscular soreness, dry, scaly skin, decreased reproductive power, bone marrow degeneration, subcutaneous bleeding, cataract of eyes, tendency to bleed from the capillaries or small blood vessels, defective calcification of both bones and teeth, weakening of supporting cartilage and consequent displacement of bones, anemia, damage to heart and general muscular system, injury to sex organs, scurvy, low blood pressure, reduced secretion of thyroid, rapid respiration, rapid heart action, duodenal ulcers, miscarriage, brittle bones, joint pains, swelling joints, bone abscess, arthritis, improper growth and formation of bones and teeth, enlarged joints, low concentration of calcium or phosphorus, or both, in the blood, low acidity of the intestinal tract, rickets, tuberculosis, skin disorders, sore mouth and tongue, nervous depression, and pellagra. The article would not be of value in the conditions stated and implied. Further misbranding, Section 403 (f), the information concerning the vitamin and mineral properties of the article required by Section 403 (j) was not prominently placed on the label with such conspicuousness as to render it likely to be read and understood under customary conditions of purchase and use, since the information appeared on the bottom of the package and was printed in type of minute size on the label of the bottle containing the product.

Min-E-Vita Capsules. Misbranding, Section 403 (a), certain statements on the package of the article and in a leaflet entitled "Why Min-E-Vita," enclosed in the package, were false and misleading since they represented or suggested that the article would supply vitamins and minerals effective in the restoration of color to gray hair; that it would be difficult, if not impossible, to obtain adequate amounts of minerals from common foods; and that the purchaser might reasonably expect to obtain health, growth, long life, and resistance to disease through the use of the product, all of which was contrary to fact. Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamins A, B, C, D, B₂ (riboflavin), and E, and its calcium pantothenate, calcium, phosphorus, iron, sodium, magnesium, potassium, aluminum, copper, iodine, and manganese content; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of the vitamins, A, B, C, D, and B₂, and calcium, phosphorus, iron, and iodine, and the amounts of vitamin E, sodium, magnesium, potassium, copper, manganese, and aluminum furnished by a specified quantity of the article when consumed during a period of 1 day; and, since the need in human nutrition for vitamin E, calcium pantothenate, aluminum, and manganese has not been established, its label also failed to bear, as required by the regulations, the statement that the need for vitamin E, calcium pantothenate, aluminum, and manganese in human nutrition has not been established.

DISPOSITION: June 26, 1945. No claimant having appeared, judgment of condemnation was entered and the products and printed matter were ordered destroyed.

10195. Adulteration and misbranding of Major B-Complex Vitamin Tablets.
U. S. v. 85 7/12 Dozen Boxes and 288 Dozen Boxes of Major B-Complex Vitamin Tablets. Default decrees of condemnation and destruction.
(F. D. C. Nos. 17391, 17564. Sample Nos. 11581-H, 20266-H.)

LIBELS FILED: On or about September 19 and October 9, 1945, District of Kansas and District of Vermont.

ALLEGED SHIPMENT: Between the approximate dates of February 13 and April 4, 1944, by Major Vitamins, Inc., from New York, N. Y.